

Appl. Ser. No.: 10/684,480
Docket No.: 10014211-2

PATENT

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 11-18 and 21-32 are pending in the present application, of which, Claims 11 and 25 are independent.

Restriction Requirement

The aforementioned Official Action asserts that the present application contains claims that are directed to two patentably distinct species of the claimed invention. As defined in the Official Action, these species are:

Species I: the method described in lines 11 through 20 on page 3 of the specification.

Species II: the method corresponding to the inventive aspect described in lines 21 through 24 on page 3 and in lines 1 through 4 on page 4 of the specification.

A requirement to elect a single disclosed species of the two identified species has been imposed on the basis that the above-identified species are allegedly patentably distinct from each other. In addition, the Official Action alleges that no claim is generic.

In response to that election of species requirement, Applicants hereby elect, with traverse, Species I of the invention. Claims 11-18 and 22-32 are readable on the elected species. At least Claims 11-18 and 22-32 are considered to be generic to Species I and II.

Although an election has been made in response to the Official Action, Applicants respectfully traverse the Restriction Requirement for at least the reasons set forth below.

Initially, it should be pointed out that the disclosure contained in lines 11-20 of page 3 pertains to a method for thermally regulating multiple components of a computer system.

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That passage also indicates that a flow of a refrigerant is controlled through a refrigerant line in a refrigerant system having a variable capacity compressor and a valve, among other elements. In this regard, the method disclosed in that passage is shown in Figure 2.

The disclosure contained in lines 21-24 of page 3 and in lines 1-4 of page 4 pertains to a multi-load thermal regulating system for maintaining individual temperatures of a plurality of heat generating components within a predetermined temperature range. That passage also indicates that the system includes a plurality of evaporators connected in a serial arrangement. In addition, that passage indicates that supplemental heaters are operable to supply supplemental heat to a respective component of the heat generating components. In this regard, the disclosed system is shown in Figure 1.

The assertion in the Official Action of "a method corresponding to the inventive aspect described in lines 21 through 24 on page 3 and in lines 1 through 4 on page 4 of the specification" is unclear. That passage clearly pertains to a system and not to a method and it is therefore unclear as to what is meant by the statement above.

In fact, independent Claims 11 and 25, and the claims that depend therefrom pertain to methods for thermally regulating multiple components of a computer system and are therefore readable on the disclosure contained in lines 11-20 of page 3. These methods include the control of refrigerant through a refrigerant line that connects a compressor, an electronically controllable valve, and a plurality of evaporators. In this regard, independent Claims 11 and 25 and the claims that depend therefrom read on the disclosures contained in lines 11-20 of page 3 and lines 21-24 of page 3 and lines 1-4. One difference between Claims 11 and 25 is the recitation of supplemental heaters in Claim 25. However, Claim 15, which depends upon Claim 11 recites the use of at least one supplemental heater. In addition, the supplemental heaters are depicted in Figure 1 and their use is also depicted in Figure 2.

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Therefore, it is respectfully submitted that the inventions of Species I and II as alleged in the Official Action may concurrently be examined without serious burden. In fact, it is not at all clear as to how a search for Species II would not be co-extensive with the search for Species I.

In light of the foregoing, withdrawal of the restriction requirement and examination of all of the claims of this application, including Claims 11-18 and 22-32 directed to elected Species I are respectfully submitted.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 26, 2005


Timothy B. Kang
Reg. No. 46,423

Mannava & Kang, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3817
(703) 880-5270 (facsimile)